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Laz Peterson, and Cindy Rio

**THE UNITED STATES DISTRICT COURT OF CALIFORNIA
NORTHERN DISTRICT – SAN JOSE DIVISION**

DANIEL BUTZER, LAZ PETERSON, and
CINDY RIO, On Behalf of Themselves
Individually, All Others Similarly Situated
and the General Public,

Plaintiffs,

v.

APPLE COMPUTER, INC.,
Defendants.

FILED

FEB - 9 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Case No. C05 03414 RMW

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
ORDER REVISING CLASS
CERTIFICATION SCHEDULE**

1 WHEREAS, the parties have agreed to adjust the deadlines pertaining to class certification
2 to permit a more orderly and efficient process for class discovery and briefing.

3 IT IS THEREFORE STIPULATED AND AGREED (i) the Plaintiffs shall file their
4 Motion for Class Certification by May 19, 2006, (ii) the Defendant shall file its Opposition by
5 July 18, 2006, (iii) the Plaintiffs shall file their Reply by September 18, and (iv) the Court shall
6 hold the hearing regarding Class Certification as soon as practicable thereafter.

7
8 DATED: 1/26/06

Respectfully submitted,

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24 IT IS SO ORDERED:

25 DATED: 2/9/06

Ronald M. Whyte

HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

Daniel Butzer, et al. v. Apple Computer, Inc.

CASE NO. C05 03414 RMW

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action. I am employed in the County of San Diego, State of California. My business address is: 550 West C Street, Suite 1600, San Diego, CA 92101.

That on January 26, 2006, I served the following document(s) entitled: **STIPULATION AND [PROPOSED] ORDER REVISING CLASS CERTIFICATION SCHEDULE** on ALL INTERESTED PARTIES in this action:

SEE ATTACHED SERVICE LIST

☒ **BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal Service. The correspondence, pleadings and other matters are deposited with the United States Postal Service with postage thereon fully prepaid in San Diego, California, on the same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be contained in an overnight envelope and to be deposited in a **Federal Express/Overnite Express** box located at 550 West C Street, San Diego, California, for delivery to the above address(es).

☐ **BY FAX:** I transmitted a copy of the foregoing document(s) this date via telecopier to the facsimile numbers shown on the attached service list. The facsimile machine I used reported no error and I caused the machine to print a transmission record of the transmission.

☐ **BY PERSONAL SERVICE:** I had such envelope delivered by hand where indicated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 26, 2006, at San Diego, California.


ANITA VILLANUEVA

APPLE COMPUTERS

Case No.: C05 03414 RMW

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